



General Assembly

January Session, 2011

Raised Bill No. 6475

LCO No. 3466

03466_____JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING MANDATORY MINIMUM SENTENCES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (i) of section 14-36 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011, and applicable to sentences imposed on or after said date*):

4 (1) Any person who violates any provision of this section shall, for a
5 first offense, be deemed to have committed an infraction and be fined
6 not less than seventy-five dollars or more than ninety dollars and, for
7 any subsequent offense, shall be fined not less than two hundred fifty
8 dollars or more than three hundred fifty dollars or be imprisoned not
9 more than thirty days, or both.

10 (2) In addition to the penalty prescribed under subdivision (1) of
11 this subsection, any person who violates any provision of this section
12 who (A) has, prior to the commission of the present violation,
13 committed a violation of this section or subsection (a) of section 14-215,
14 shall be fined not more than five hundred dollars or sentenced to
15 perform not more than one hundred hours of community service, or
16 (B) has, prior to the commission of the present violation, committed

17 two or more violations of this section or subsection (a) of section 14-
18 215, or any combination thereof, shall be sentenced to a term of
19 imprisonment of one year. [ninety days of which may not be
20 suspended or reduced in any manner.]

21 Sec. 2. Subsections (b) and (c) of section 14-215 of the general
22 statutes are repealed and the following is substituted in lieu thereof
23 (*Effective October 1, 2011, and applicable to sentences imposed on or after*
24 *said date*):

25 (b) (1) Except as provided in subsection (c) of this section, any
26 person who violates any provision of subsection (a) of this section
27 shall, for a first offense, be fined not less than one hundred fifty dollars
28 or more than two hundred dollars or imprisoned not more than ninety
29 days, or be both fined and imprisoned, and, for any subsequent
30 offense, shall be fined not less than two hundred dollars or more than
31 six hundred dollars or imprisoned not more than one year, or be both
32 fined and imprisoned.

33 (2) Except as provided in subsection (c) of this section, in addition to
34 the penalty prescribed under subdivision (1) of this subsection, any
35 person who violates any provision of subsection (a) of this section who
36 (A) has, prior to the commission of the present violation, committed a
37 violation of subsection (a) of this section or section 14-36, as amended
38 by this act, shall be fined not more than five hundred dollars or
39 sentenced to perform not more than one hundred hours of community
40 service, or (B) has, prior to the commission of the present violation,
41 committed two or more violations of subsection (a) of this section or
42 section 14-36, as amended by this act, or any combination thereof, shall
43 be sentenced to a term of imprisonment of one year. [ninety days of
44 which may not be suspended or reduced in any manner.]

45 (c) (1) Any person who operates any motor vehicle during the
46 period such person's operator's license or right to operate a motor
47 vehicle in this state is under suspension or revocation on account of a
48 violation of subsection (a) of section 14-227a, as amended by this act, or

49 section 53a-56b or 53a-60d or pursuant to section 14-227b, shall be
50 fined not less than five hundred dollars or more than one thousand
51 dollars and imprisoned not more than one year. [, and, in the absence
52 of any mitigating circumstances as determined by the court, thirty
53 consecutive days of the sentence imposed may not be suspended or
54 reduced in any manner.]

55 (2) Any person who operates any motor vehicle during the period
56 such person's operator's license or right to operate a motor vehicle in
57 this state is under suspension or revocation on account of a second
58 violation of subsection (a) of section 14-227a, as amended by this act, or
59 section 53a-56b or 53a-60d or for the second time pursuant to section
60 14-227b, shall be fined not less than five hundred dollars or more than
61 one thousand dollars and imprisoned not more than two years. [, and,
62 in the absence of any mitigating circumstances as determined by the
63 court, one hundred twenty consecutive days of the sentence imposed
64 may not be suspended or reduced in any manner.]

65 (3) Any person who operates any motor vehicle during the period
66 such person's operator's license or right to operate a motor vehicle in
67 this state is under suspension or revocation on account of a third or
68 subsequent violation of subsection (a) of section 14-227a, as amended
69 by this act, or section 53a-56b or 53a-60d or for the third or subsequent
70 time pursuant to section 14-227b, shall be fined not less than five
71 hundred dollars or more than one thousand dollars and imprisoned
72 not more than three years. [, and, in the absence of any mitigating
73 circumstances as determined by the court, one year of the sentence
74 imposed may not be suspended or reduced in any manner.]

75 [(4) The court shall specifically state in writing for the record the
76 mitigating circumstances, or the absence thereof.]

77 Sec. 3. Subsection (b) of section 14-223 of the general statutes is
78 repealed and the following is substituted in lieu thereof (*Effective*
79 *October 1, 2011, and applicable to sentences imposed on or after said date*):

80 (b) No person operating a motor vehicle, when signaled to stop by
 81 an officer in a police vehicle using an audible signal device or flashing
 82 or revolving lights, shall increase the speed of the motor vehicle in an
 83 attempt to escape or elude such police officer. Any person who violates
 84 this subsection shall be guilty of a class A misdemeanor, except that, if
 85 such violation causes the death or serious physical injury, as defined in
 86 section 53a-3, of another person, such person shall be guilty of a class C
 87 felony, and shall have such person's motor vehicle operator's license
 88 suspended for one year for the first offense, except that the
 89 Commissioner of Motor Vehicles may, after a hearing, as provided for
 90 in subsection (k) of section 14-111, and upon a showing of compelling
 91 mitigating circumstances, reinstate such person's license before the
 92 expiration of such one-year period. For any subsequent offense such
 93 person shall be guilty of a class C felony, except that if any prior
 94 offense by such person under this subsection caused, and such
 95 subsequent offense causes, the death or serious physical injury, as
 96 defined in section 53a-3, of another person, such person shall be guilty
 97 of a class C felony, [for which one year of the sentence imposed may
 98 not be suspended or reduced by the court,] and shall have such
 99 person's motor vehicle operator's license suspended for not less than
 100 eighteen months nor more than two years, except that said
 101 commissioner may, after a hearing, as provided for in subsection (k) of
 102 section 14-111, and upon a showing of compelling mitigating
 103 circumstances, reinstate such person's license before such period.

104 Sec. 4. Subsection (g) of section 14-227a of the general statutes is
 105 repealed and the following is substituted in lieu thereof (*Effective*
 106 *October 1, 2011, and applicable to sentences imposed on or after said date*):

107 Any person who violates any provision of subsection (a) of this
 108 section shall: (1) For conviction of a first violation, (A) be fined not less
 109 than five hundred dollars or more than one thousand dollars, and (B)
 110 be (i) imprisoned not more than six months, [forty-eight consecutive
 111 hours of which may not be suspended or reduced in any manner,] or
 112 (ii) imprisoned not more than six months, with the execution of such

113 sentence of imprisonment suspended entirely and a period of
114 probation imposed requiring as a condition of such probation that
115 such person perform one hundred hours of community service, as
116 defined in section 14-227e, and (C) have such person's motor vehicle
117 operator's license or nonresident operating privilege suspended for
118 one year; (2) for conviction of a second violation within ten years after
119 a prior conviction for the same offense, (A) be fined not less than one
120 thousand dollars or more than four thousand dollars, (B) be
121 imprisoned not more than two years, [one hundred twenty consecutive
122 days of which may not be suspended or reduced in any manner,] and
123 sentenced to a period of probation requiring as a condition of such
124 probation that such person perform one hundred hours of community
125 service, as defined in section 14-227e, and (C) (i) if such person is
126 under twenty-one years of age at the time of the offense, have such
127 person's motor vehicle operator's license or nonresident operating
128 privilege suspended for three years or until the date of such person's
129 twenty-first birthday, whichever is longer, and be prohibited for the
130 two-year period following completion of such period of suspension
131 from operating a motor vehicle unless such motor vehicle is equipped
132 with a functioning, approved ignition interlock device, as defined in
133 section 14-227j, or (ii) if such person is twenty-one years of age or older
134 at the time of the offense, have such person's motor vehicle operator's
135 license or nonresident operating privilege suspended for one year and
136 be prohibited for the two-year period following completion of such
137 period of suspension from operating a motor vehicle unless such
138 motor vehicle is equipped with a functioning, approved ignition
139 interlock device, as defined in section 14-227j; and (3) for conviction of
140 a third and subsequent violation within ten years after a prior
141 conviction for the same offense, (A) be fined not less than two
142 thousand dollars or more than eight thousand dollars, (B) be
143 imprisoned not more than three years, [one year of which may not be
144 suspended or reduced in any manner,] and sentenced to a period of
145 probation requiring as a condition of such probation that such person
146 perform one hundred hours of community service, as defined in

147 section 14-227e, and (C) have such person's motor vehicle operator's
 148 license or nonresident operating privilege permanently revoked upon
 149 such third offense. For purposes of the imposition of penalties for a
 150 second or third and subsequent offense pursuant to this subsection, a
 151 conviction under the provisions of subsection (a) of this section in
 152 effect on October 1, 1981, or as amended thereafter, a conviction under
 153 the provisions of either subdivision (1) or (2) of subsection (a) of this
 154 section, a conviction under the provisions of section 53a-56b or 53a-60d
 155 or a conviction in any other state of any offense the essential elements
 156 of which are determined by the court to be substantially the same as
 157 subdivision (1) or (2) of subsection (a) of this section or section 53a-56b
 158 or 53a-60d, shall constitute a prior conviction for the same offense.

159 Sec. 5. Subsection (h) of section 15-133 of the general statutes is
 160 repealed and the following is substituted in lieu thereof (*Effective*
 161 *October 1, 2011, and applicable to sentences imposed on or after said date*):

162 (h) Any person who violates the provisions of subsection (d) of this
 163 section shall: (1) For conviction of a first violation, (A) be fined not less
 164 than five hundred dollars or more than one thousand dollars, and (B)
 165 be (i) imprisoned not more than six months, [forty-eight consecutive
 166 hours of which may not be suspended or reduced in any manner,] or
 167 (ii) imprisoned not more than six months, with the execution of such
 168 sentence of imprisonment suspended entirely and a period of
 169 probation imposed requiring as a condition of such probation that
 170 such person perform one hundred hours of community service, as
 171 defined in section 14-227e, and (C) have such person's safe boating
 172 certificate or certificate of personal watercraft operation, if any, or right
 173 to operate a vessel that requires a safe boating certificate for operation
 174 suspended for one year; (2) for conviction of a second violation not
 175 later than ten years after a prior conviction for the same offense, (A) be
 176 fined not less than one thousand dollars or more than four thousand
 177 dollars, (B) be imprisoned not more than two years, [one hundred
 178 twenty consecutive days of which may not be suspended or reduced in
 179 any manner,] and sentenced to a period of probation requiring as a

180 condition of such probation that such person perform one hundred
 181 hours of community service, as defined in section 14-227e, and (C)
 182 have such person's safe boating certificate or certificate of personal
 183 watercraft operation, if any, or right to operate a vessel that requires a
 184 safe boating certificate for operation suspended for three years or until
 185 the date of such person's twenty-first birthday, whichever is longer;
 186 and (3) for conviction of a third and subsequent violation not later than
 187 ten years after a prior conviction for the same offense, (A) be fined not
 188 less than two thousand dollars or more than eight thousand dollars,
 189 (B) be imprisoned not more than three years, [one year of which may
 190 not be suspended or reduced in any manner,] and sentenced to a
 191 period of probation requiring as a condition of such probation that
 192 such person perform one hundred hours of community service, as
 193 defined in section 14-227e, and (C) have such person's safe boating
 194 certificate or certificate of personal watercraft operation, if any, or right
 195 to operate a vessel that requires a safe boating certificate for operation
 196 permanently revoked upon such third offense.

197 Sec. 6. Subsection (c) of section 15-154 of the general statutes is
 198 repealed and the following is substituted in lieu thereof (*Effective*
 199 *October 1, 2011, and applicable to sentences imposed on or after said date*):

200 (c) No person operating a vessel shall refuse to stop such vessel or,
 201 if sea conditions make stopping in that area unsafe, refuse to take such
 202 vessel to a designated area after being requested or signaled to do so
 203 by such officer. Any person operating a vessel who refuses to stop or
 204 refuses to take such vessel to the designated area shall have committed
 205 an infraction. Any person, when signaled to stop by such officer in a
 206 law enforcement vessel using an audible signal device or flashing blue
 207 lights, who operates such vessel in disregard of such signal so as to (1)
 208 interfere with or endanger the operation of the law enforcement vessel
 209 or any other vessel, (2) endanger or cause damage to property or
 210 person, or (3) increase or maintain speed in an attempt to escape or
 211 elude such law enforcement officer shall be guilty of a class A
 212 misdemeanor. If such violation causes the death or serious physical

213 injury of another person, the vessel operator shall be guilty of a class D
 214 felony, and such operator's safe boating certificate, certificate of
 215 personal watercraft operation or right to operate a vessel that requires
 216 a certificate shall be suspended for one year. For any subsequent
 217 offense, such operator shall be guilty of a class D felony, [except that if
 218 any prior offense by such operator under this section caused, and such
 219 subsequent offense causes, the death or serious physical injury of
 220 another person, such operator shall be guilty of a class D felony for
 221 which one year of the sentence imposed may not be suspended or
 222 reduced by the court,] and such operator's safe boating certificate,
 223 certificate of personal watercraft operation or right to operate a vessel
 224 that requires a certificate shall be suspended for not less than eighteen
 225 months or more than two years. Proof of the registration number of the
 226 vessel shall be prima facie evidence in any prosecution that the owner
 227 was the operator. For purposes of this subsection, "serious physical
 228 injury" means physical injury which creates a substantial risk of death,
 229 or which causes serious disfigurement, serious impairment of health or
 230 serious loss or impairment of the function of any bodily organ.

231 Sec. 7. Subsection (d) of section 15-156 of the general statutes is
 232 repealed and the following is substituted in lieu thereof (*Effective*
 233 *October 1, 2011, and applicable to sentences imposed on or after said date*):

234 (d) (1) Any person who operates any vessel during the period such
 235 person's certificate or right to operate a vessel in this state is under
 236 suspension or revocation on account of a violation of subsection (d) of
 237 section 15-133 or subsection (c) of section 15-154, as amended by this
 238 act, shall be fined not less than five hundred dollars or more than one
 239 thousand dollars and imprisoned not more than one year. [In the
 240 absence of any mitigating circumstances, as determined by the court,
 241 thirty consecutive days of the sentence imposed may not be suspended
 242 or reduced in any manner. The court shall specifically state, in writing,
 243 for the record any mitigating circumstances, or the absence thereof.]

244 (2) Any person convicted of reckless operation of a vessel in the first

245 or second degree while under the influence of intoxicating liquor or
246 any drug, or both, in violation of section 15-140l or 15-140n, or of
247 manslaughter in the second degree with a vessel, in violation of section
248 15-132a, who operates a vessel during the period such person's
249 certificate or right to operate a vessel in this state is under suspension
250 or revocation, in addition to any penalties imposed in accordance with
251 said sections or section 15-140o, shall be fined not less than five
252 hundred dollars or more than one thousand dollars and imprisoned
253 not more than one year. [In the absence of any mitigating
254 circumstances as determined by the court, thirty consecutive days of
255 the sentence imposed may not be suspended or reduced in any
256 manner. The court shall specifically state, in writing, for the record any
257 mitigating circumstances, or the absence thereof.]

258 (3) A court having jurisdiction of a violation of subdivision (1) or (2)
259 of this subsection may prohibit such person from operating any vessel
260 on any waters of this state for a period of not more than two years.
261 Notice of such suspension shall be transmitted forthwith by the court
262 to the Commissioner of Environmental Protection and the
263 Commissioner of Motor Vehicles.

264 Sec. 8. Subsection (g) of section 17a-699 of the general statutes is
265 repealed and the following is substituted in lieu thereof (*Effective*
266 *October 1, 2011, and applicable to sentences imposed on or after said date*):

267 (g) The provisions of this section shall not be construed to limit the
268 application of any provision of the general statutes [requiring
269 mandatory minimum sentences and] prohibiting probation for certain
270 offenses.

271 Sec. 9. Subsection (c) of section 21a-267 of the general statutes is
272 repealed and the following is substituted in lieu thereof (*Effective*
273 *October 1, 2011, and applicable to sentences imposed on or after said date*):

274 (c) Any person who violates subsection (a) or (b) of this section in or
275 on, or within one thousand five hundred feet of, the real property

276 comprising a public or private elementary or secondary school and
277 who is not enrolled as a student in such school shall be [imprisoned for
278 a term] sentenced to a term of imprisonment of one year which [shall
279 not be suspended and] shall be in addition and consecutive to any
280 term of imprisonment imposed for violation of subsection (a) or (b) of
281 this section.

282 Sec. 10. Section 21a-278 of the general statutes is repealed and the
283 following is substituted in lieu thereof (*Effective October 1, 2011, and*
284 *applicable to sentences imposed on or after said date*):

285 (a) Any person who manufactures, distributes, sells, prescribes,
286 dispenses, compounds, transports with the intent to sell or dispense,
287 possesses with the intent to sell or dispense, offers, gives or
288 administers to another person one or more preparations, compounds,
289 mixtures or substances containing an aggregate weight of one ounce or
290 more of heroin or methadone or an aggregate weight of one-half ounce
291 or more of cocaine or one-half ounce or more of cocaine in a free-base
292 form, or a substance containing five milligrams or more of lysergic
293 acid diethylamide, except as authorized in this chapter, and who is not,
294 at the time of such action, a drug-dependent person, shall be
295 [imprisoned for a minimum term of] sentenced to a term of
296 imprisonment of not less than five years or more than [twenty years;
297 and, a maximum term of life imprisonment] life. [The execution of the
298 mandatory minimum sentence imposed by the provisions of this
299 subsection shall not be suspended, except the court may suspend the
300 execution of such mandatory minimum sentence if at the time of the
301 commission of the offense (1) such person was under the age of
302 eighteen years, or (2) such person's mental capacity was significantly
303 impaired, but not so impaired as to constitute a defense to
304 prosecution.]

305 (b) Any person who manufactures, distributes, sells, prescribes,
306 dispenses, compounds, transports with the intent to sell or dispense,
307 possesses with the intent to sell or dispense, offers, gives or

308 administers to another person any narcotic substance, hallucinogenic
309 substance other than marijuana, amphetamine-type substance, or one
310 kilogram or more of a cannabis-type substance, except as authorized in
311 this chapter, and who is not, at the time of such action, a drug-
312 dependent person, for a first offense shall be [imprisoned] sentenced to
313 a term of imprisonment of not less than five years or more than twenty
314 years; and for each subsequent offense shall be [imprisoned] sentenced
315 to a term of imprisonment of not less than ten years or more than
316 twenty-five years. [The execution of the mandatory minimum sentence
317 imposed by the provisions of this subsection shall not be suspended,
318 except the court may suspend the execution of such mandatory
319 minimum sentence if at the time of the commission of the offense (1)
320 such person was under the age of eighteen years, or (2) such person's
321 mental capacity was significantly impaired, but not so impaired as to
322 constitute a defense to prosecution.]

323 Sec. 11. Section 21a-278a of the general statutes is repealed and the
324 following is substituted in lieu thereof (*Effective October 1, 2011, and*
325 *applicable to sentences imposed on or after said date*):

326 (a) Any person eighteen years of age or older who violates section
327 21a-277 or 21a-278, as amended by this act, and who is not, at the time
328 of such action, a drug-dependent person, by distributing, selling,
329 prescribing, dispensing, offering, giving or administering any
330 controlled substance to another person who is under eighteen years of
331 age and is at least two years younger than such person who is in
332 violation of section 21a-277 or 21a-278, as amended by this act, shall be
333 [imprisoned for a term] sentenced to a term of imprisonment of two
334 years, which [shall not be suspended and] shall be in addition and
335 consecutive to any term of imprisonment imposed for violation of
336 section 21a-277 or 21a-278, as amended by this act.

337 (b) Any person who violates section 21a-277 or 21a-278, as amended
338 by this act, by manufacturing, distributing, selling, prescribing,
339 dispensing, compounding, transporting with the intent to sell or

340 dispense, possessing with the intent to sell or dispense, offering, giving
 341 or administering to another person any controlled substance in or on,
 342 or within one thousand five hundred feet of, the real property
 343 comprising a public or private elementary or secondary school, a
 344 public housing project or a licensed child day care center, as defined in
 345 section 19a-77, that is identified as a child day care center by a sign
 346 posted in a conspicuous place shall be [imprisoned for a term]
 347 sentenced to a term of imprisonment of three years [,] which [shall not
 348 be suspended and] shall be in addition and consecutive to any term of
 349 imprisonment imposed for violation of section 21a-277 or 21a-278, as
 350 amended by this act. To constitute a violation of this subsection, an act
 351 of transporting or possessing a controlled substance shall be with
 352 intent to sell or dispense in or on, or within one thousand five hundred
 353 feet of, the real property comprising a public or private elementary or
 354 secondary school, a public housing project or a licensed child day care
 355 center, as defined in section 19a-77, that is identified as a child day care
 356 center by a sign posted in a conspicuous place. For the purposes of this
 357 subsection, "public housing project" means dwelling accommodations
 358 operated as a state or federally subsidized multifamily housing project
 359 by a housing authority, nonprofit corporation or municipal developer,
 360 as defined in section 8-39, pursuant to chapter 128 or by the
 361 Connecticut Housing Authority pursuant to chapter 129.

362 (c) Any person who employs, hires, uses, persuades, induces,
 363 entices or coerces a person under eighteen years of age to violate
 364 section 21a-277 or 21a-278, as amended by this act, shall be
 365 [imprisoned for a term] sentenced to a term of imprisonment of three
 366 years [,] which [shall not be suspended and] shall be in addition and
 367 consecutive to any term of imprisonment imposed for violation of
 368 section 21a-277 or 21a-278, as amended by this act.

369 Sec. 12. Subsection (d) of section 21a-279 of the general statutes is
 370 repealed and the following is substituted in lieu thereof (*Effective*
 371 *October 1, 2011, and applicable to sentences imposed on or after said date*):

372 (d) Any person who violates subsection (a), (b) or (c) of this section
373 in or on, or within one thousand five hundred feet of, the real property
374 comprising a public or private elementary or secondary school and
375 who is not enrolled as a student in such school or a licensed child day
376 care center, as defined in section 19a-77, that is identified as a child day
377 care center by a sign posted in a conspicuous place shall be
378 [imprisoned for a term] sentenced to a term of imprisonment of two
379 years, which [shall not be suspended and] shall be in addition and
380 consecutive to any term of imprisonment imposed for violation of
381 subsection (a), (b) or (c) of this section.

382 Sec. 13. Subsection (b) of section 29-34 of the general statutes is
383 repealed and the following is substituted in lieu thereof (*Effective*
384 *October 1, 2011, and applicable to sentences imposed on or after said date*):

385 (b) No person shall sell, barter, hire, lend, give, deliver or otherwise
386 transfer to any person under the age of twenty-one years any pistol or
387 revolver, except that a pistol or revolver may be temporarily
388 transferred to any person only for the use by such person in target
389 shooting or on a firing or shooting range, provided such use is
390 otherwise permitted by law and is under the immediate supervision of
391 a person eligible to possess a pistol or revolver. Any person violating
392 any provision of this subsection shall be guilty of a class D felony. [for
393 which one year of the sentence imposed may not be suspended or
394 reduced by the court.]

395 Sec. 14. Subsection (b) of section 29-37 of the general statutes is
396 repealed and the following is substituted in lieu thereof (*Effective*
397 *October 1, 2011, and applicable to sentences imposed on or after said date*):

398 (b) Any person violating any provision of subsection (a) of section
399 29-35 may be fined not more than one thousand dollars and shall be
400 [imprisoned] sentenced to a term of imprisonment of not less than one
401 year or more than five years. [, and, in the absence of any mitigating
402 circumstances as determined by the court, one year of the sentence
403 imposed may not be suspended or reduced by the court. The court

404 shall specifically state the mitigating circumstances, or the absence
405 thereof, in writing for the record.] Any pistol or revolver found in the
406 possession of any person in violation of any provision of subsection (a)
407 of section 29-35 shall be forfeited.

408 Sec. 15. Subsection (a) of section 53-21 of the general statutes is
409 repealed and the following is substituted in lieu thereof (*Effective*
410 *October 1, 2011, and applicable to sentences imposed on or after said date*):

411 (a) Any person who (1) wilfully or unlawfully causes or permits any
412 child under the age of sixteen years to be placed in such a situation
413 that the life or limb of such child is endangered, the health of such
414 child is likely to be injured or the morals of such child are likely to be
415 impaired, or does any act likely to impair the health or morals of any
416 such child, or (2) has contact with the intimate parts, as defined in
417 section 53a-65, of a child under the age of sixteen years or subjects a
418 child under sixteen years of age to contact with the intimate parts of
419 such person, in a sexual and indecent manner likely to impair the
420 health or morals of such child, or (3) permanently transfers the legal or
421 physical custody of a child under the age of sixteen years to another
422 person for money or other valuable consideration or acquires or
423 receives the legal or physical custody of a child under the age of
424 sixteen years from another person upon payment of money or other
425 valuable consideration to such other person or a third person, except in
426 connection with an adoption proceeding that complies with the
427 provisions of chapter 803, shall be guilty of a class C felony for a
428 violation of subdivision (1) or (3) of this subsection and a class B felony
429 for a violation of subdivision (2) of this subsection. [, except that, if the
430 violation is of subdivision (2) of this subsection and the victim of the
431 offense is under thirteen years of age, such person shall be sentenced
432 to a term of imprisonment of which five years of the sentence imposed
433 may not be suspended or reduced by the court.]

434 Sec. 16. Subsection (a) of section 53-202b of the general statutes is
435 repealed and the following is substituted in lieu thereof (*Effective*

436 *October 1, 2011, and applicable to sentences imposed on or after said date):*

437 (a) (1) Any person who, within this state, distributes, transports or
438 imports into the state, keeps for sale, or offers or exposes for sale, or
439 who gives any assault weapon, except as provided by sections 29-37j
440 and 53-202a to 53-202k, inclusive, as amended by this act, and
441 subsection (h) of section 53a-46a, shall be guilty of a class C felony.
442 [and shall be sentenced to a term of imprisonment of which two years
443 may not be suspended or reduced.]

444 (2) Any person who transfers, sells or gives any assault weapon to a
445 person under eighteen years of age in violation of subdivision (1) of
446 this subsection shall be sentenced to a term of imprisonment of six
447 years, which [shall not be suspended or reduced and] shall be in
448 addition and consecutive to the term of imprisonment imposed under
449 subdivision (1) of this subsection.

450 Sec. 17. Subsection (a) of section 53-202c of the general statutes is
451 repealed and the following is substituted in lieu thereof (*Effective*
452 *October 1, 2011, and applicable to sentences imposed on or after said date):*

453 (a) Except as provided in section 53-202e, any person who, within
454 this state, possesses any assault weapon, except as provided in sections
455 29-37j, 53-202a to 53-202k, inclusive, as amended by this act, and 53-
456 202o and subsection (h) of section 53a-46a, shall be guilty of a class D
457 felony; [and shall be sentenced to a term of imprisonment of which one
458 year may not be suspended or reduced;] except that a first-time
459 violation of this subsection shall be a class A misdemeanor if (1) the
460 person presents proof that he lawfully possessed the assault weapon
461 prior to October 1, 1993, and (2) the person has otherwise possessed
462 the firearm in compliance with subsection (d) of section 53-202d.

463 Sec. 18. Section 53-202j of the general statutes is repealed and the
464 following is substituted in lieu thereof (*Effective October 1, 2011, and*
465 *applicable to sentences imposed on or after said date):*

466 Any person who commits any class A, B or C felony and in the
467 commission of such felony uses, or is armed with and threatens the use
468 of, or displays, or represents by his words or conduct that he possesses
469 an assault weapon, as defined in section 53-202a, shall be [imprisoned
470 for a term] sentenced to a term of imprisonment of eight years, which
471 [shall not be suspended or reduced and] shall be in addition and
472 consecutive to any term of imprisonment imposed for conviction of
473 such felony.

474 Sec. 19. Section 53-202k of the general statutes is repealed and the
475 following is substituted in lieu thereof (*Effective October 1, 2011, and*
476 *applicable to sentences imposed on or after said date*):

477 Any person who commits any class A, B or C felony and in the
478 commission of such felony uses, or is armed with and threatens the use
479 of, or displays, or represents by his words or conduct that he possesses
480 any firearm, as defined in section 53a-3, except an assault weapon, as
481 defined in section 53-202a, shall be [imprisoned for a term] sentenced
482 to a term of imprisonment of five years, which [shall not be suspended
483 or reduced and] shall be in addition and consecutive to any term of
484 imprisonment imposed for conviction of such felony.

485 Sec. 20. Subsection (b) of section 53a-24 of the general statutes is
486 repealed and the following is substituted in lieu thereof (*Effective*
487 *October 1, 2011, and applicable to sentences imposed on or after said date*):

488 (b) Notwithstanding the provisions of subsection (a) of this section,
489 the provisions of sections 53a-28 to 53a-44, inclusive, as amended by
490 this act, shall apply to motor vehicle violations. Said provisions shall
491 apply to convictions under section 21a-278, as amended by this act.
492 [except that the execution of any mandatory minimum sentence
493 imposed under the provisions of said section may not be suspended.]

494 Sec. 21. Subsection (a) of section 53a-30 of the general statutes is
495 repealed and the following is substituted in lieu thereof (*Effective*
496 *October 1, 2011, and applicable to sentences imposed on or after said date*):

497 (a) When imposing sentence of probation or conditional discharge,
498 the court may, as a condition of the sentence, order that the defendant:
499 (1) Work faithfully at a suitable employment or faithfully pursue a
500 course of study or of vocational training that will equip the defendant
501 for suitable employment; (2) undergo medical or psychiatric treatment
502 and remain in a specified institution, when required for that purpose;
503 (3) support the defendant's dependents and meet other family
504 obligations; (4) make restitution of the fruits of the defendant's offense
505 or make restitution, in an amount the defendant can afford to pay or
506 provide in a suitable manner, for the loss or damage caused thereby
507 and the court may fix the amount thereof and the manner of
508 performance; (5) if a minor, (A) reside with the minor's parents or in a
509 suitable foster home, (B) attend school, and (C) contribute to the
510 minor's own support in any home or foster home; (6) post a bond or
511 other security for the performance of any or all conditions imposed; (7)
512 refrain from violating any criminal law of the United States, this state
513 or any other state; (8) if convicted of a misdemeanor or a felony, other
514 than a capital felony, a class A felony or a violation of section 21a-278,
515 as amended by this act, 21a-278a, as amended by this act, 53a-55, 53a-
516 56, 53a-56b, 53a-57, 53a-58 or 53a-70b, [or any offense for which there is
517 a mandatory minimum sentence which may not be suspended or
518 reduced by the court,] and any sentence of imprisonment is
519 suspended, participate in an alternate incarceration program; (9) reside
520 in a residential community center or halfway house approved by the
521 Commissioner of Correction, and contribute to the cost incident to
522 such residence; (10) participate in a program of community service
523 labor in accordance with section 53a-39c; (11) participate in a program
524 of community service in accordance with section 51-181c; (12) if
525 convicted of a violation of subdivision (2) of subsection (a) of section
526 53-21, as amended by this act, section 53a-70, as amended by this act,
527 53a-70a, as amended by this act, 53a-70b, 53a-71, as amended by this
528 act, 53a-72a or 53a-72b, as amended by this act, undergo specialized
529 sexual offender treatment; (13) if convicted of a criminal offense
530 against a victim who is a minor, a nonviolent sexual offense or a

531 sexually violent offense, as defined in section 54-250, or of a felony that
 532 the court finds was committed for a sexual purpose, as provided in
 533 section 54-254, register such person's identifying factors, as defined in
 534 section 54-250, with the Commissioner of Public Safety when required
 535 pursuant to section 54-251, 54-252 or 54-253, as the case may be; (14) be
 536 subject to electronic monitoring, which may include the use of a global
 537 positioning system; (15) if convicted of a violation of section 46a-58, 53-
 538 37a, 53a-181j, 53a-181k or 53a-181l, participate in an anti-bias crime
 539 education program; (16) if convicted of a violation of section 53-247,
 540 undergo psychiatric or psychological counseling or participate in an
 541 animal cruelty prevention and education program provided such a
 542 program exists and is available to the defendant; or (17) satisfy any
 543 other conditions reasonably related to the defendant's rehabilitation.
 544 The court shall cause a copy of any such order to be delivered to the
 545 defendant and to the probation officer, if any.

546 Sec. 22. Subsection (c) of section 53a-35 of the general statutes is
 547 repealed and the following is substituted in lieu thereof (*Effective*
 548 *October 1, 2011, and applicable to sentences imposed on or after said date*):

549 (c) Except as provided in subsection (d) of this section, the
 550 minimum term of an indeterminate sentence shall be fixed by the court
 551 and specified in the sentence as follows: (1) For a class A felony, the
 552 minimum term shall not be less than ten nor more than twenty-five
 553 years; (2) for a class B, C or D felony the court may fix a minimum term
 554 of not less than one year nor more than one-half of the maximum term
 555 imposed, except that (A) where the maximum is less than three years
 556 the minimum term may be more than one-half the maximum term
 557 imposed, or (B) when a person is found guilty under section 53a-
 558 59(a)(1), section 53a-59a, as amended by this act, 53a-101(a)(1) or 53a-
 559 134(a)(2), the minimum term shall be not less than five years, [and
 560 such sentence shall not be suspended or reduced,] or when a person is
 561 found guilty under section 53a-60c, as amended by this act, the
 562 minimum term shall be not less than three years, [and such sentence
 563 shall not be suspended or reduced,] or when a person is found guilty

564 under section 53a-60b, as amended by this act, the minimum term shall
565 be not less than two years; [and such sentence shall not be suspended
566 or reduced;] (3) for an unclassified felony, a term in accordance with
567 the sentence specified in the section of the general statutes that defines
568 the crime.

569 Sec. 23. Section 53a-39 of the general statutes is repealed and the
570 following is substituted in lieu thereof (*Effective October 1, 2011, and*
571 *applicable to sentences imposed on or after said date*):

572 (a) At any time during the period of a definite sentence of three
573 years or less, the sentencing court or judge may, after hearing and for
574 good cause shown, reduce the sentence, order the defendant
575 discharged, or order the defendant discharged on probation or
576 conditional discharge for a period not to exceed that to which the
577 defendant could have been originally sentenced.

578 (b) At any time during the period of a definite sentence of more than
579 three years, upon agreement of the defendant and the state's attorney
580 to seek review of the sentence, the sentencing court or judge may, after
581 hearing and for good cause shown, reduce the sentence, order the
582 defendant discharged, or order the defendant discharged on probation
583 or conditional discharge for a period not to exceed that to which the
584 defendant could have been originally sentenced.

585 [(c) The provisions of this section shall not apply to any portion of a
586 sentence imposed that is a mandatory minimum sentence for an
587 offense which may not be suspended or reduced by the court.]

588 [(d)] (c) At a hearing held by the sentencing court or judge under
589 this section, such court or judge shall permit any victim of the crime to
590 appear before the court or judge for the purpose of making a statement
591 for the record concerning whether or not the sentence of the defendant
592 should be reduced, the defendant should be discharged or the
593 defendant should be discharged on probation or conditional discharge
594 pursuant to subsection (a) or (b) of this section. In lieu of such

595 appearance, the victim may submit a written statement to the court or
596 judge and the court or judge shall make such statement a part of the
597 record at the hearing. For the purposes of this subsection, "victim"
598 means the victim, the legal representative of the victim or a member of
599 the deceased victim's immediate family.

600 Sec. 24. Subsection (a) of section 53a-39a of the general statutes is
601 repealed and the following is substituted in lieu thereof (*Effective*
602 *October 1, 2011, and applicable to sentences imposed on or after said date*):

603 (a) In all cases where a defendant has been convicted of a
604 misdemeanor or a felony, other than a capital felony, a class A felony
605 or a violation of section 21a-278, as amended by this act, 21a-278a, as
606 amended by this act, 53a-55, 53a-56, 53a-56b, 53a-57, 53a-58 or 53a-70b,
607 [or any other offense for which there is a mandatory minimum
608 sentence which may not be suspended or reduced by the court,] after
609 trial or by a plea of guilty without trial, and a term of imprisonment is
610 part of a stated plea agreement or the statutory penalty provides for a
611 term of imprisonment, the court may, in its discretion, order an
612 assessment for placement in an alternate incarceration program under
613 contract with the Judicial Department. If the Court Support Services
614 Division recommends placement in an alternate incarceration
615 program, it shall also submit to the court a proposed alternate
616 incarceration plan. Upon completion of the assessment, the court shall
617 determine whether such defendant shall be ordered to participate in
618 such program as an alternative to incarceration. If the court determines
619 that the defendant shall participate in such program, the court shall
620 suspend any sentence of imprisonment and shall make participation in
621 the alternate incarceration program a condition of probation as
622 provided in section 53a-30.

623 Sec. 25. Subsection (h) of section 53a-40 of the general statutes is
624 repealed and the following is substituted in lieu thereof (*Effective*
625 *October 1, 2011, and applicable to sentences imposed on or after said date*):

626 (h) When any person has been found to be a persistent dangerous

627 felony offender, the court, in lieu of imposing the sentence of
 628 imprisonment authorized by the general statutes for the crime of
 629 which such person presently stands convicted, shall (1) sentence such
 630 person to a term of imprisonment that is not (A) less than twice the
 631 minimum term of imprisonment authorized for such crime, or (B)
 632 more than twice the maximum term of imprisonment authorized for
 633 such crime or forty years, whichever is greater, [provided, if a
 634 mandatory minimum term of imprisonment is authorized for such
 635 crime, such sentence shall include a mandatory minimum term of
 636 imprisonment that is twice such authorized mandatory minimum term
 637 of imprisonment,] and (2) if such person has, at separate times prior to
 638 the commission of the present crime, been twice convicted of and
 639 imprisoned for any of the crimes enumerated in subsection (a) of this
 640 section, sentence such person to a term of imprisonment that is not less
 641 than three times the minimum term of imprisonment authorized for
 642 such crime or more than life, [provided, if a mandatory minimum
 643 term of imprisonment is authorized for such crime, such sentence shall
 644 include a mandatory minimum term of imprisonment that is three
 645 times such authorized mandatory minimum term of imprisonment.]

646 Sec. 26. Subsection (m) of section 53a-40 of the general statutes is
 647 repealed and the following is substituted in lieu thereof (*Effective*
 648 *October 1, 2011, and applicable to sentences imposed on or after said date*):

649 (m) When any person has been found to be a persistent felony
 650 offender, the court, in lieu of imposing the sentence authorized by
 651 section 53a-35a for the crime of which such person presently stands
 652 convicted, may impose the sentence of imprisonment authorized by
 653 said section for the next more serious degree of felony, [;] provided the
 654 sentence imposed may not be less than three years. [, and provided
 655 further three years of the sentence so imposed may not be suspended
 656 or reduced by the court.]

657 Sec. 27. Subsection (b) of section 53a-55a of the general statutes is
 658 repealed and the following is substituted in lieu thereof (*Effective*

659 *October 1, 2011, and applicable to sentences imposed on or after said date):*

660 (b) Manslaughter in the first degree with a firearm is a class B felony
661 and any person found guilty under this section shall be sentenced to a
662 term of imprisonment in accordance with subdivision (5) of section
663 53a-35a, [of which five years of the sentence imposed may not be
664 suspended or reduced by the court.]

665 Sec. 28. Subsection (b) of section 53a-56a of the general statutes is
666 repealed and the following is substituted in lieu thereof (*Effective*
667 *October 1, 2011, and applicable to sentences imposed on or after said date*):

668 (b) Manslaughter in the second degree with a firearm is a class C
669 felony, [for which one year of the sentence imposed may not be
670 suspended or reduced by the court.]

671 Sec. 29. Subsection (b) of section 53a-59 of the general statutes is
672 repealed and the following is substituted in lieu thereof (*Effective*
673 *October 1, 2011, and applicable to sentences imposed on or after said date*):

674 (b) Assault in the first degree is a class B felony, [provided (1) any
675 person found guilty under subdivision (1) of subsection (a) shall be
676 sentenced to a term of imprisonment of which five years of the
677 sentence imposed may not be suspended or reduced by the court and
678 (2) any person found guilty under subsection (a) shall be sentenced to
679 a term of imprisonment of which ten years of the sentence imposed
680 may not be suspended or reduced by the court if the victim of the
681 offense is a person under ten years of age or if the victim of the offense
682 is a witness, as defined in section 53a-146, and the actor knew the
683 victim was a witness.]

684 Sec. 30. Subsection (d) of section 53a-59a of the general statutes is
685 repealed and the following is substituted in lieu thereof (*Effective*
686 *October 1, 2011, and applicable to sentences imposed on or after said date*):

687 (d) Assault of an elderly, blind, disabled, pregnant or mentally
688 retarded person in the first degree is a class B felony, [and any person

689 found guilty under this section shall be sentenced to a term of
690 imprisonment of which five years of the sentence imposed may not be
691 suspended or reduced by the court.]

692 Sec. 31. Subsection (b) of section 53a-60a of the general statutes is
693 repealed and the following is substituted in lieu thereof (*Effective*
694 *October 1, 2011, and applicable to sentences imposed on or after said date*):

695 (b) Assault in the second degree with a firearm is a class D felony.
696 [for which one year of the sentence imposed may not be suspended or
697 reduced by the court.]

698 Sec. 32. Subsection (d) of section 53a-60b of the general statutes is
699 repealed and the following is substituted in lieu thereof (*Effective*
700 *October 1, 2011, and applicable to sentences imposed on or after said date*):

701 (d) Assault of an elderly, blind, disabled, pregnant or mentally
702 retarded person in the second degree is a class D felony. [and any
703 person found guilty under this section shall be sentenced to a term of
704 imprisonment of which two years of the sentence imposed may not be
705 suspended or reduced by the court.]

706 Sec. 33. Subsection (d) of section 53a-60c of the general statutes is
707 repealed and the following is substituted in lieu thereof (*Effective*
708 *October 1, 2011, and applicable to sentences imposed on or after said date*):

709 (d) Assault of an elderly, blind, disabled, pregnant or mentally
710 retarded person in the second degree with a firearm is a class D felony.
711 [and any person found guilty under this section shall be sentenced to a
712 term of imprisonment of which three years of the sentence imposed
713 may not be suspended or reduced by the court.]

714 Sec. 34. Subsection (b) of section 53a-61 of the general statutes is
715 repealed and the following is substituted in lieu thereof (*Effective*
716 *October 1, 2011, and applicable to sentences imposed on or after said date*):

717 (b) Assault in the third degree is a class A misdemeanor. [and any

718 person found guilty under subdivision (3) of subsection (a) of this
719 section shall be sentenced to a term of imprisonment of one year which
720 may not be suspended or reduced.]

721 Sec. 35. Subsection (d) of section 53a-61a of the general statutes is
722 repealed and the following is substituted in lieu thereof (*Effective*
723 *October 1, 2011, and applicable to sentences imposed on or after said date*):

724 (d) Assault of an elderly, blind, disabled, pregnant or mentally
725 retarded person in the third degree is a class A misdemeanor. [and any
726 person found guilty under this section shall be sentenced to a term of
727 imprisonment of one year which shall not be suspended or reduced.]

728 Sec. 36. Subsection (b) of section 53a-70 of the general statutes is
729 repealed and the following is substituted in lieu thereof (*Effective*
730 *October 1, 2011, and applicable to sentences imposed on or after said date*):

731 (b) (1) Except as provided in subdivision (2) of this subsection,
732 sexual assault in the first degree is a class B felony. [for which two
733 years of the sentence imposed may not be suspended or reduced by
734 the court or, if the victim of the offense is under ten years of age, for
735 which ten years of the sentence imposed may not be suspended or
736 reduced by the court.]

737 (2) Sexual assault in the first degree is a class A felony if the offense
738 is a violation of subdivision (1) of subsection (a) of this section and the
739 victim of the offense is under sixteen years of age or the offense is a
740 violation of subdivision (2) of subsection (a) of this section. [Any
741 person found guilty under said subdivision (1) or (2) shall be
742 sentenced to a term of imprisonment of which ten years of the sentence
743 imposed may not be suspended or reduced by the court if the victim is
744 under ten years of age or of which five years of the sentence imposed
745 may not be suspended or reduced by the court if the victim is under
746 sixteen years of age.]

747 (3) Any person found guilty under this section shall be sentenced to

748 a term of imprisonment and a period of special parole pursuant to
749 subsection (b) of section 53a-28 which together constitute a sentence of
750 at least ten years.

751 Sec. 37. Subsection (b) of section 53a-70a of the general statutes is
752 repealed and the following is substituted in lieu thereof (*Effective*
753 *October 1, 2011, and applicable to sentences imposed on or after said date*):

754 (b) Aggravated sexual assault in the first degree is a class B felony
755 or, if the victim of the offense is under sixteen years of age, a class A
756 felony. [Any person found guilty under this section shall be sentenced
757 to a term of imprisonment of which five years of the sentence imposed
758 may not be suspended or reduced by the court, except that, if such
759 person committed sexual assault in the first degree by violating
760 subdivision (1) of subsection (a) of section 53a-70, and the victim of the
761 offense is under sixteen years of age, twenty years of the sentence
762 imposed may not be suspended or reduced by the court.] Any person
763 found guilty under this section shall be sentenced to a period of special
764 parole pursuant to subsection (b) of section 53a-28 of at least five years.

765 Sec. 38. Subsection (b) of section 53a-70c of the general statutes is
766 repealed and the following is substituted in lieu thereof (*Effective*
767 *October 1, 2011, and applicable to sentences imposed on or after said date*):

768 (b) Aggravated sexual assault of a minor is a class A felony and any
769 person found guilty under this section shall, for a first offense, be
770 sentenced to a term of imprisonment of twenty-five years [which may
771 not be suspended or reduced by the court] and, for any subsequent
772 offense, be sentenced to a term of imprisonment of fifty years. [which
773 may not be suspended or reduced by the court.]

774 Sec. 39. Subsection (b) of section 53a-71 of the general statutes is
775 repealed and the following is substituted in lieu thereof (*Effective*
776 *October 1, 2011, and applicable to sentences imposed on or after said date*):

777 (b) Sexual assault in the second degree is a class C felony or, if the

778 victim of the offense is under sixteen years of age, a class B felony. [,
779 and any person found guilty under this section shall be sentenced to a
780 term of imprisonment of which nine months of the sentence imposed
781 may not be suspended or reduced by the court.]

782 Sec. 40. Subsection (b) of section 53a-72b of the general statutes is
783 repealed and the following is substituted in lieu thereof (*Effective*
784 *October 1, 2011, and applicable to sentences imposed on or after said date*):

785 (b) Sexual assault in the third degree with a firearm is a class C
786 felony or, if the victim of the offense is under sixteen years of age, a
787 class B felony, and any person found guilty under this section shall be
788 sentenced to a term of imprisonment [of which two years of the
789 sentence imposed may not be suspended or reduced by the court] and
790 a period of special parole pursuant to subsection (b) of section 53a-28
791 which together constitute a sentence of ten years.

792 Sec. 41. Subsection (b) of section 53a-86 of the general statutes is
793 repealed and the following is substituted in lieu thereof (*Effective*
794 *October 1, 2011, and applicable to sentences imposed on or after said date*):

795 (b) Promoting prostitution in the first degree is a class B felony.
796 [Any person found guilty under subdivision (2) of subsection (a) of
797 this section shall be sentenced to a term of imprisonment of which nine
798 months of the sentence imposed may not be suspended or reduced by
799 the court.]

800 Sec. 42. Subsection (b) of section 53a-90a of the general statutes is
801 repealed and the following is substituted in lieu thereof (*Effective*
802 *October 1, 2011, and applicable to sentences imposed on or after said date*):

803 (b) (1) Except as provided in subdivision (2) of this subsection,
804 enticing a minor is a class D felony for a first offense, a class C felony
805 for a second offense and a class B felony for any subsequent offense.

806 (2) Enticing a minor is a class B felony if the victim of the offense is
807 under thirteen years of age. [and any person found guilty of such class

808 B felony shall, for a first offense, be sentenced to a term of
809 imprisonment of which five years of the sentence imposed may not be
810 suspended or reduced by the court and, for any subsequent offense, be
811 sentenced to a term of imprisonment of which ten years of the sentence
812 imposed may not be suspended or reduced by the court.]

813 Sec. 43. Subsection (b) of section 53a-92a of the general statutes is
814 repealed and the following is substituted in lieu thereof (*Effective*
815 *October 1, 2011, and applicable to sentences imposed on or after said date*):

816 (b) Kidnapping in the first degree with a firearm is a class A felony.
817 [for which one year of the sentence imposed may not be suspended or
818 reduced by the court.]

819 Sec. 44. Subsection (b) of section 53a-94 of the general statutes is
820 repealed and the following is substituted in lieu thereof (*Effective*
821 *October 1, 2011, and applicable to sentences imposed on or after said date*):

822 (b) Kidnapping in the second degree is a class B felony. [for which
823 three years of the sentence imposed may not be suspended or reduced
824 by the court.]

825 Sec. 45. Subsection (b) of section 53a-94a of the general statutes is
826 repealed and the following is substituted in lieu thereof (*Effective*
827 *October 1, 2011, and applicable to sentences imposed on or after said date*):

828 (b) Kidnapping in the second degree with a firearm is a class B
829 felony. [for which three years of the sentence imposed may not be
830 suspended or reduced by the court.]

831 Sec. 46. Subsection (c) of section 53a-100aa of the general statutes is
832 repealed and the following is substituted in lieu thereof (*Effective*
833 *October 1, 2011, and applicable to sentences imposed on or after said date*):

834 (c) Home invasion is a class A felony. [and any person found guilty
835 under this section shall be sentenced to a term of imprisonment of
836 which ten years may not be suspended or reduced by the court.]

837 Sec. 47. Subsection (c) of section 53a-101 of the general statutes is
838 repealed and the following is substituted in lieu thereof (*Effective*
839 *October 1, 2011, and applicable to sentences imposed on or after said date*):

840 (c) Burglary in the first degree is a class B felony. [provided any
841 person found guilty under subdivision (1) of subsection (a) shall be
842 sentenced to a term of imprisonment of which five years of the
843 sentence imposed may not be suspended or reduced by the court.]

844 Sec. 48. Subsection (b) of section 53a-102a of the general statutes is
845 repealed and the following is substituted in lieu thereof (*Effective*
846 *October 1, 2011, and applicable to sentences imposed on or after said date*):

847 (b) Burglary in the second degree with a firearm is a class C felony.
848 [for which one year of the sentence imposed shall not be suspended or
849 reduced by the court.]

850 Sec. 49. Subsection (b) of section 53a-103a of the general statutes is
851 repealed and the following is substituted in lieu thereof (*Effective*
852 *October 1, 2011, and applicable to sentences imposed on or after said date*):

853 (b) Burglary in the third degree with a firearm is a class D felony.
854 [for which one year of the sentence imposed shall not be suspended or
855 reduced by the court.]

856 Sec. 50. Subsection (b) of section 53a-134 of the general statutes is
857 repealed and the following is substituted in lieu thereof (*Effective*
858 *October 1, 2011, and applicable to sentences imposed on or after said date*):

859 (b) Robbery in the first degree is a class B felony. [provided any
860 person found guilty under subdivision (2) of subsection (a) shall be
861 sentenced to a term of imprisonment of which five years of the
862 sentence imposed may not be suspended or reduced by the court.]

863 Sec. 51. Section 53a-136a of the general statutes is repealed and the
864 following is substituted in lieu thereof (*Effective October 1, 2011, and*
865 *applicable to sentences imposed on or after said date*):

866 Any person who commits robbery by taking a motor vehicle from
867 the person of another knowing that such motor vehicle is occupied by
868 such other person shall be [imprisoned for a term] sentenced to a term
869 of imprisonment of three years which [shall not be suspended and]
870 shall be in addition and consecutive to any term of imprisonment
871 imposed for such offense.

872 Sec. 52. Subsection (b) of section 53a-165aa of the general statutes is
873 repealed and the following is substituted in lieu thereof (*Effective*
874 *October 1, 2011, and applicable to sentences imposed on or after said date*):

875 (b) Hindering prosecution in the first degree is a class C felony. [and
876 any person found guilty under this section shall be sentenced to a term
877 of imprisonment of which five years of the sentence imposed may not
878 be suspended or reduced by the court.]

879 Sec. 53. Subsection (b) of section 53a-196a of the general statutes is
880 repealed and the following is substituted in lieu thereof (*Effective*
881 *October 1, 2011, and applicable to sentences imposed on or after said date*):

882 (b) Employing a minor in an obscene performance is a class A
883 felony. [and any person found guilty under this section shall be
884 sentenced to a term of imprisonment of which ten years of the sentence
885 imposed may not be suspended or reduced by the court.]

886 Sec. 54. Subsection (b) of section 53a-196c of the general statutes is
887 repealed and the following is substituted in lieu thereof (*Effective*
888 *October 1, 2011, and applicable to sentences imposed on or after said date*):

889 (b) Importing child pornography is a class B felony. [and any person
890 found guilty under this section shall be sentenced to a term of
891 imprisonment of which five years of the sentence imposed may not be
892 suspended or reduced by the court.]

893 Sec. 55. Subsection (c) of section 53a-196d of the general statutes is
894 repealed and the following is substituted in lieu thereof (*Effective*
895 *October 1, 2011, and applicable to sentences imposed on or after said date*):

896 (c) Possessing child pornography in the first degree is a class B
897 felony. [and any person found guilty under this section shall be
898 sentenced to a term of imprisonment of which five years of the
899 sentence imposed may not be suspended or reduced by the court.]

900 Sec. 56. Subsection (c) of section 53a-196e of the general statutes is
901 repealed and the following is substituted in lieu thereof (*Effective*
902 *October 1, 2011, and applicable to sentences imposed on or after said date*):

903 (c) Possessing child pornography in the second degree is a class C
904 felony. [and any person found guilty under this section shall be
905 sentenced to a term of imprisonment of which two years of the
906 sentence imposed may not be suspended or reduced by the court.]

907 Sec. 57. Subsection (c) of section 53a-196f of the general statutes is
908 repealed and the following is substituted in lieu thereof (*Effective*
909 *October 1, 2011, and applicable to sentences imposed on or after said date*):

910 (c) Possessing child pornography in the third degree is a class D
911 felony. [and any person found guilty under this section shall be
912 sentenced to a term of imprisonment of which one year of the sentence
913 imposed may not be suspended or reduced by the court.]

914 Sec. 58. Subsection (b) of section 53a-216 of the general statutes is
915 repealed and the following is substituted in lieu thereof (*Effective*
916 *October 1, 2011, and applicable to sentences imposed on or after said date*):

917 (b) Criminal use of a firearm or electronic defense weapon is a class
918 D felony. [for which five years of the sentence imposed may not be
919 suspended or reduced by the court.]

920 Sec. 59. Subsection (b) of section 53a-217 of the general statutes is
921 repealed and the following is substituted in lieu thereof (*Effective*
922 *October 1, 2011, and applicable to sentences imposed on or after said date*):

923 (b) Criminal possession of a firearm or electronic defense weapon is
924 a class D felony. [, for which two years of the sentence imposed may

925 not be suspended or reduced by the court.]

926 Sec. 60. Subsection (b) of section 53a-301 of the general statutes is
927 repealed and the following is substituted in lieu thereof (*Effective*
928 *October 1, 2011, and applicable to sentences imposed on or after said date*):

929 (b) Computer crime in furtherance of terrorist purposes is a class B
930 felony. [and, if such offense is directed against any public agency, as
931 defined in section 1-200, that is charged with the protection of public
932 safety, five years of the sentence imposed may not be suspended or
933 reduced by the court.]

934 Sec. 61. Subsection (c) of section 53a-303 of the general statutes is
935 repealed and the following is substituted in lieu thereof (*Effective*
936 *October 1, 2011, and applicable to sentences imposed on or after said date*):

937 (c) Contaminating a public water supply or food supply for terrorist
938 purposes is a class C felony. [and any person found guilty under this
939 section shall be sentenced to a term of imprisonment of which five
940 years of the sentence imposed may not be suspended or reduced by
941 the court.]

942 Sec. 62. Section 21a-283a of the general statutes is repealed. (*Effective*
943 *October 1, 2011*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	14-36(i)
Sec. 2	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	14-215(b) and (c)

Sec. 3	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	14-223(b)
Sec. 4	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	14-227a(g)
Sec. 5	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	15-133(h)
Sec. 6	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	15-154(c)
Sec. 7	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	15-156(d)
Sec. 8	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	17a-699(g)
Sec. 9	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	21a-267(c)
Sec. 10	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	21a-278
Sec. 11	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	21a-278a
Sec. 12	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	21a-279(d)

Sec. 13	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	29-34(b)
Sec. 14	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	29-37(b)
Sec. 15	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53-21(a)
Sec. 16	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53-202b(a)
Sec. 17	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53-202c(a)
Sec. 18	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53-202j
Sec. 19	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53-202k
Sec. 20	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-24(b)
Sec. 21	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-30(a)
Sec. 22	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-35(c)

Sec. 23	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-39
Sec. 24	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-39a(a)
Sec. 25	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-40(h)
Sec. 26	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-40(m)
Sec. 27	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-55a(b)
Sec. 28	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-56a(b)
Sec. 29	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-59(b)
Sec. 30	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-59a(d)
Sec. 31	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-60a(b)
Sec. 32	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-60b(d)

Sec. 33	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-60c(d)
Sec. 34	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-61(b)
Sec. 35	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-61a(d)
Sec. 36	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-70(b)
Sec. 37	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-70a(b)
Sec. 38	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-70c(b)
Sec. 39	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-71(b)
Sec. 40	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-72b(b)
Sec. 41	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-86(b)
Sec. 42	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-90a(b)

Sec. 43	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-92a(b)
Sec. 44	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-94(b)
Sec. 45	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-94a(b)
Sec. 46	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-100aa(c)
Sec. 47	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-101(c)
Sec. 48	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-102a(b)
Sec. 49	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-103a(b)
Sec. 50	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-134(b)
Sec. 51	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-136a
Sec. 52	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-165aa(b)

Sec. 53	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-196a(b)
Sec. 54	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-196c(b)
Sec. 55	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-196d(c)
Sec. 56	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-196e(c)
Sec. 57	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-196f(c)
Sec. 58	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-216(b)
Sec. 59	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-217(b)
Sec. 60	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-301(b)
Sec. 61	<i>October 1, 2011, and applicable to sentences imposed on or after said date</i>	53a-303(c)
Sec. 62	<i>October 1, 2011</i>	Repealer section

Statement of Purpose:

To ensure individualized sentencing by eliminating statutory provisions that require the imposition of a term of imprisonment that cannot be suspended.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]